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TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)

In re Application of: Gregory, et al.

Application No.: 10/825,658

Filed: April 14, 2004

For: Method for Making a Termination for a Wire Rope for Mining Equipment

The owner*, ABI Services Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 11/016,940 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

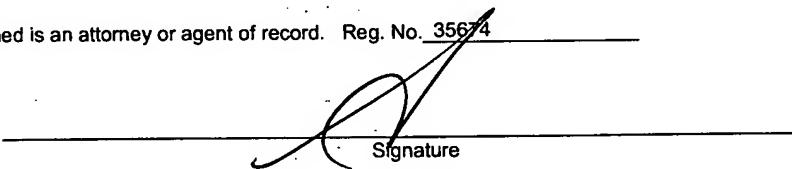
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 35674


SignatureMAR 22 2007
DateGeorge R. Schultz
Typed or printed name214-210-5940
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: GREGORY, ET AL.

Serial No.: 10/825,658

Filing Date: April 14, 2004

Title: METHOD FOR MAKING A TERMINATION FOR A WIRE
ROPE FOR MINING EQUIPMENT

Examiner: Kuang Y. Lin

Group Art Unit: 1725

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submission of Terminal Disclaimer

Applicants' attorney acknowledges with appreciation the telephone interview granted by the Examiner on March 16, 2007. In the course of the telephone interview, the Examiner discussed a possible obviousness type double patenting rejection based upon U.S. Application No. 11/016,940. In order to facilitate prosecution of this application to an early conclusion, applicants submit herewith a Terminal Disclaimer in the above identified application against U.S. Application No. 11/016,940.

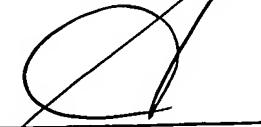
A check in the amount of \$65.00 to cover the fee for a Terminal Disclaimer is submitted herewith. The Commissioner is hereby authorized to charge any further fees in connection with the filing of this submission to Deposit Account No. 50-2225.

This submission is filed by first class mailing and also with a confirmation copy by facsimile to fax number 571-273-8300.

Submission of Terminal Disclaimer
31223.00035

Date: March 22, 2007

Respectfully submitted,


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INTELLECTUAL PROPERTY ATTORNEYS



March 22, 2007

JRW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Continuation Patent Application No. 10/825,658
"METHOD FOR MAKING A TERMINATION FOR A WIRE ROPE FOR
MINING EQUIPMENT"
Atty. Docket: 10152.0102

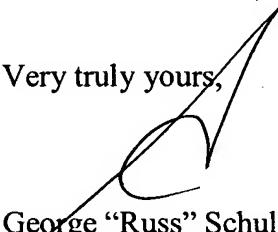
Sir:

Enclosed for filing, please find enclosed the following:

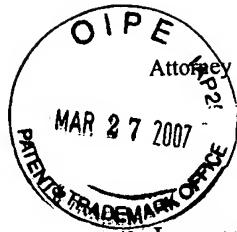
1. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent (PTO/SB/26);
2. Submission of Terminal Disclaimer;
3. Check in the amount of \$65.00;
4. Certificate of Mailing by First Class Mail;
5. Transmittal Letter (in duplicate); and
6. Postcard receipt.

The Commissioner is hereby authorized to charge any underpayment of fees, or credit any overpayment, to Deposit Account No. 50-2225.

Very truly yours,


George "Russ" Schultz

GRS/slc
Enclosures



Attorney Docket No. 10152.0102

Ser. No. 10/825,658
Examiner: Kuang Y. Lin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: GREGORY, ET AL.

Serial No.: 10/825,658

Filing Date: April 14, 2004

Title: METHOD FOR MAKING A TERMINATION FOR A WIRE ROPE FOR MINING EQUIPMENT

Examiner: Kuang Y. Lin

Group Art Unit: 1725

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

The undersigned hereby certifies that the following documents:

1. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent (PTO/SB/26);
2. Submission of Terminal Disclaimer;
3. Check in the amount of \$65.00;
4. Certificate of Mailing by First Class Mail;
5. Transmittal Letter (in duplicate); and
6. Postcard receipt.

relating to the above application, were deposited as First Class Mail with the United States Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **March 22, 2007**. *1 2 1*

Mailer